

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: April 27, 2005
	)	
Benedict Aspero	)	DOCKET NO.: 04F-087
Management Analyst	)	
Department of Consumer & Regulatory	)	
Affairs	)	
149 S Street, NW	)	
Washington, DC 20001	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Benedict Aspero, Management Analyst, Department of Consumer & Regulatory Affairs, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004 as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 19, 2004, September 8, 2004 and September 22, 2004, OCF ordered Benedict Aspero (hereinafter respondent), to appear at scheduled hearings on September 3, 2004, September 20, 2004 and October 1, 2004 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2003, on or before June 21, 2004. Respondent failed to appear at the scheduled hearings referenced herein, or to submit an affidavit in explanation of the failure to timely file the required Financial Disclosure Statement.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
2. Respondent filed the required Financial Disclosure Statement on July 15, 2004.
3. Respondent has no history of prior filing delinquencies.
4. Respondent to date has not provided an explanation for failing to timely file a Financial Disclosure Statement with OCF for calendar year 2003.
5. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$800.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

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**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$500.00 in this matter; Provided, that the respondent provides a credible explanation for the filing delinquency, by affidavit, within 15 days from the date of this Order.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine of \$500.00 be hereby imposed in this matter; Provided, that the respondent provides a credible explanation for the filing delinquency, by affidavit, within 15 days from the date of this Order.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order, by regular and certified mail, on respondent on April 27, 2005.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.